

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2018

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

WP.No.15495 of 2018

B.Baskaran

...Petitioner

Vs.

1.The District Collector,
Villupuram District,
Villupuram.

2.The Assistant Director of Panchayat,
Kallakurichi,
Villupuram District.

3.The Revenue Divisional Officer,
Thirukovilur,
Villupuram District.

4.The Revenue Thasildar,
Ulundurpet Taluk,
Villupuram District.

5.Block Development Officer,
Ulundurpettai,
Villupuram District.

6.R.Karthikeyan

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondent authorities 1 to 4 to remove the encroachment made on the poramboke land measuring an extent of 1662 sq.meter comprised in S.No.133/2, situated at Poovanur Village, Ulundurpet Taluk, Villupuram District made by the 6th respondent.

For Petitioner : Mr.A.V.Raja

For Respondents : Mr.A.N.Thambidurai, Spl GP
for R1 to R5

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.,]

By consent, the writ petition is taken up final disposal. Mr.A.N.Thambidurai, learned Special Government Pleader accepts notice for respondents 1 and 5.

2. The petitioner came forward to file this writ petition as Public Interest Litigation alleging that he is a social worker and espousing various public causes in and around Villupuram Districts. He has also started society in the name and style of Dr.A.P.J.Abdul Kalam Consumer Protection Council, which was registered vide registration No.04/2016. He would further aver that after completing his B.Sc.(Agri), he is pursuing second year of law degree (LLB) at Dr.Ambedkar law College at Puducherry. It is the specific case of the petitioner that the 6th respondent had encroached upon the Government Poromboke land admeasuring to an extent of 1662 sq.m comprised in S.No.133/2 situated at Poovanur Village in Vadamambakkam Village Panchayat at Villupuram District and construction has also been put up, which is being used as a Mahalir Mandram namely self help group and in the land, the 5th respondent has put up a mini water Tank for the benefit of village people.

3. The learned counsel appearing for the petitioner would submit that the above said fact has been brought to the knowledge of the concerned authorities and the 5th respondent vide notice dated 28.07.2017 in Na.Ka.No.A2/1838/2017 has put on notice the 6th respondent, about the putting up of new construction and called upon him to desist the same and to remove the encroachment and it has been done and the petitioner was also informed by the 5th respondent vide communication dated 10.08.2017 in Na.Ka.No.AA4/2026/2017, enclosing village map extract. The learned counsel appearing for the petitioner would further submit that despite the fact that encroachment on the part of the 6th respondent has been noted, no proper and effective steps have been taken to remove the encroachment, said to have been caused by the 6th respondent.

4. This Court has considered the rival submission and also perused the materials placed before it.

5. This Court taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioner directs the 4th and 5th respondent to put on notice the 6th respondent or other encroachers, if any and remove the encroachment in S.No.133/2 situated at Poovanur Village in Vadamambakkam Village Panchayat at Villupuram District in accordance with law, and the said exercise is to be

done within a period of ten weeks from the date of receipt of a copy of this order and decision taken in this regard shall be communicated to the petitioner, 6th respondent or other encroachers, if any.

6. With the above direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Villupuram District,
Villupuram.

2.The Assistant Director of Panchayat,
Kallakurichi,
Villupuram District.

3.The Revenue Divisional Officer,
Thirukovilur,
Villupuram District.

4.The Revenue Thasildar,
Ulundurpet Taluk,
Villupuram District.

5.Block Development Officer,
Ulundurpettai,
Villupuram District.

+1cc to Government Pleader SR.No.41462

+1cc to Mr.A.V.Raja, Advocate Sr.NO.39791 dt.26.7.2018

CP(CO)

sm:17.7.2018

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